

Paper No. 46

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

OCT 27 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCESEx parte AKIRA OKAMOTO,
YUICHI SHIMAKAWA and TAKASHI MANAKOAppeal No. 2003-1730
Application 09/198,376

ORDER REMANDING TO EXAMINER

An Information Disclosure Statement (IDS) was filed September 29, 2003 (Paper No. 45) and has been matched with this application at the Board of Patent Appeals and Interferences. The IDS needs to be considered by the Primary Examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

In addition, the listing of prior art appearing on page 4 of the Examiner's Answer mailed May 5, 2003 (Paper No. 41) is incomplete. It appears that characters from the first word on each line of the Urishibara et al. citation are missing. Also,

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§ 1208, ¶ 12.57.02, of the Manual of Patent Examining Practice (MPEP) (Eighth Edition, Rev. 1) suggests that the examiner use the following format for providing information on each reference cited:

Name	Number	Date
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The prior art listing is also deficient in that it does not include the patent numbers for the prior art of record.

Correction is required.

Accordingly, it is

ORDERED that the application is remanded to the Examiner:

1. for consideration of the IDS filed September 29, 2003 (Paper No. 45) and appropriate notification to appellants regarding the Examiner's decision;

2. for issuance of a supplemental Examiner's Answer to officially correct the Prior Art of Record appearing on page 4 of the Examiner's Answer mailed May 5, 2003 (Paper No. 41) by adding the appropriate patent numbers; and

3. for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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April 7, 2006

To: Ms. Tina Lee

Facsimile: 571-273-0299

Board of Patent Appeals and Interferences

Comments:

Pursuant to your request, attached is a copy of an **ORDER REMANDING TO EXAMINER** dated October 27, 2003.